

Remarks/Arguments:

This amendment is provided to add new dependent claims 39 and 40, and amend claims 1, 14, 20 and 32. However, no new matter has been added or suggested. Also, no additional claims fee is believed to be required as an equal number of dependent claims have been previously cancelled. Upon entry of this amendment, claims 1-12, 14-24 and 26-40 will be pending, wherein claims 1 and 20 are independent.

For simplicity, the following comments, arguments and amendments are made in reference to the present application published as U.S. Patent Publication No. 2007/0274291 A1 of Diomelli (hereinafter Diomelli).

Rejections of the Claims under 35 U.S.C. 103

The Examiner has maintained the rejection of claims 1-12, 17-24, 26-28, 30, 31 and 35-38 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,313,617 of Malik et al. (hereinafter Malik) in view of U.S. Patent No. 6,785,266 of Swartz (hereinafter Swartz) and newly cited U.S. Patent Publication No. 2005/0117729 of Reding et al. (hereinafter Reding).

As noted in the Applicant's earlier response, the Malik reference describes the management of communications and information resources of a user. To do so, Malik provides a resource manager to perform a number of tasks such as controlling participation and tracking of user communications, and maintaining related information such as a message log, directory, calendar, and so forth (see Abstract). Such a communications and information resource (CIR) manager 10 can be implemented in or through the use of a user's personal computer 24 (see Fig. 2, and col. 2, lines 1-2), and can perform a list of communication related services (see col. 2, lines 60-67 to col. 3, lines 1-6).

The CIR manager of the Malik reference is described as a computer program provided with and executed upon a user's computer (see col. 4, lines 62-67 to col. 5, lines 1-11), that can be linked to a PC, PSTN 38 and/or the Internet 26 (see again, Fig. 2). Specifically, the CIR manager is described as linked or otherwise in communication with other PCs, PSTN and/or Internet networks (see for example, col. 10, lines 19-45, and Fig. 2). The application

program of the CIR manager is described in limited detail at col. 11, lines 64-67 to col. 12, lines 1-6, and col. 14, lines 26-32. One feature of the application program of such a CIR manager is unified messaging (see col. 16, lines 43-46), and data conversions from a native format to a format used by the user (see col. 25, lines 45-50).

However, Malik substantially concerns a software (CIR) dedicated to help a *single user* manage the communications related to the communications devices (both data and voice) owning *only to that user*. In contrast, the Applicant recites the apparatus and method wherein the Communications Devices and/or Terminals can be those associated with different users, located at any number of different locations, and which are able to connect, by the internet and a standard browser, to a server (27). Further, the Malik reference does not disclose the managing of the communications by using an Internet Web Browser.

The Examiner points to Swartz as allegedly describing such an apparatus and method wherein the Communications Devices and/or Terminals can be those associated with a plurality of different users, located at a number of different locations, and which are able to connect, by the internet and a standard browser, to a server, and where management of telephone communications is achieved by using an Internet Web Browser and the server.

Swartz describes linking subscribers with a host services computer, and wherein web browser software running on the subscriber can be used to direct certain telephone operations by the host services computer.

However, as noted above, Malik substantially concerns an information resource (CIR) manager 10 dedicated to help a *single user* manage the communications related to the communications devices (both data and voice) owning *only to that user*. That is, Malik at most describes a database of a single user (see col. 17, lines 1-18), requiring duplication for multiple users. In doing so, the Applicant asserts that the combination of the CIR manager dedicated to help a single user manage the communications related to the communications devices (both data and voice) of Malik and the plurality of subscribers of Swartz is improper, and does not describe or reasonably suggest each element as recited by the Applicant.

The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference, but rather the test is what the

combined teachings of those references would have suggested to those of ordinary skill in the art. Further, combining the teachings of references does not involve an ability to combine their specific structures.

However, the claimed combination cannot change the principle of operation of the primary reference or render the reference inoperable for its intended purpose. See MPEP 2143.01. If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349. In this case, the Applicant asserts that the suggested combination of references would require a substantial reconstruction and redesign of the elements shown in Malik as well as a change in the basic principle under which Malik was designed to operate.

Specifically, the information resource (CIR) manager 10 of Malik is implemented in or through the use of a user's personal computer 24 (see Fig. 2, and col. 2, lines 1-2), to perform a list of communication related services (see col. 2, lines 60-67 to col. 3, lines 1-6) dedicated to help the *single user* manage the communications related to the communications devices (both data and voice) owning *only to that user*. Swartz is cited as describing Communications Devices and/or Terminals that can be associated with a plurality of different users, located at a number of different locations, and which are able to connect, by the internet and a standard browser, to a server, and where management of telephone communications is achieved by using an Internet Web Browser and the server. In this case, it would require a substantial reconstruction and redesign of the elements shown in Malik to perform such services, if at all possible, for a plurality of users of Swartz beyond the single user described in Malik. Further, the combination would change the basic principle of single user control at a user's personal computer under which Malik was designed to operate.

For example, it would require a substantial reconstruction and redesign of the user's personal computer 24 (see Fig. 2, and col. 2, lines 1-2) of Malik, to perform a list of communication related services dedicated to help not just the single user, but a plurality of different users of Swartz, located at a number of different locations, and which are able to connect, by the internet and a standard browser, to the personal computer of Malik. It would

also change the basic principle of single user control at a user's personal computer under which Malik was designed to operate to reconstruct and redesign the user's personal computer 24 (see Fig. 2, and col. 2, lines 1-2) of Malik, to perform a list of communication related services dedicated to help not just the single user, but a plurality of different users, located at a number of different locations. Accordingly, a central processor for initiating, receiving, controlling and managing all the plurality of Communications Devices' and/or Terminals' inbound and outbound communications is not described by the combination of the information resource (CIR) manager of Malik and the multiple users of Swartz.

Further, Swartz describes the storage of personal information at the host services computer, and which is available to the user (see col. 10, lines 30-38). That is, Swartz at most, allegedly describes the storage of personal information, and not data pertaining to the communications effected through any Communications Device and/or Terminal. Further, access to such information appears to be limited to user access to single-user, personal information, and not access to the collected data, including the data of the remaining users, for grouping or other statistical analysis.

Accordingly, the Applicant asserts that the combination of Malik and Swartz is improper and fails to describe an apparatus and method of communication control as recited.

The Examiner points to newly cited Reding as describing the additional recited features of an apparatus and method for logging and storing in a single database of the Network Server data pertaining to communications effected through the plurality of Communications Devices and/or Terminals wherein the single database is configured to be accessed by authorized users.

The Applicant recites an exemplary network server which further comprises a single database in which data pertaining to the communications effected through any Communications Device and/or Terminal is logged and stored, and wherein *each authorized user* can access *the collected data* for grouping or other statistical analysis (see for example, paragraph 26). That is, the single database is configured to store data pertaining to the communications effected through any Communications Device and/or Terminal, and each

authorized user can access the collected data, including the data of the remaining users, for grouping or other statistical analysis.

Reding describes logging outgoing calls originating from calling devices (see Abstract and Fig. 1), and provides access to a call log to a user of the devices (see paragraph 99) for review or management of data therein (see paragraph 63).

However, Reding appears to describe an outgoing call log only, and not a more extensive database as recited by the Applicant. The Applicant *recites* an apparatus and method wherein the single database is configured to store “data pertaining to communications *effected through* the plurality of Communications Devices and/or Terminals”. An outgoing call log as described in Reding does not describe the data as recited by the Applicant. The Applicant asserts that a database of information regarding communications through a plurality of devices includes much more comprehensive information than the outgoing log as described in Reding.

Further, the Applicant recites an apparatus and method wherein access is to *authorized users*, and not a calling user only as apparently described by Reding. For example, Reding does not appear to describe the provision of access to a plurality of users based on authorization, and appears to simply describe access to the calling user.

Accordingly, the Applicant asserts that the combination of Malik, Swartz and Reding fails to describe or reasonably suggest an apparatus and method of communication control as recited.

Dependent claims 2-12, 17-19, 21-24, 26-28, 30, 31 and 35-40 are believed to be similarly patentable over the combined teachings of Malik, Swartz and Reding.

The Examiner has also maintained the rejection of claims 14-16 and 32-34 under 35 U.S.C. 103(a) as being unpatentable over Malik in view of Swartz, Reding and U.S. Patent No. 6,141,411 of Robinson et al., and has maintained the rejection of claim 29 under 35 U.S.C. 103(a) as being unpatentable over Malik in view of Swartz and U.S. Patent Publication No. 2003/0041048 of Balasuriya (hereinafter Balasuriya).

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Dependent claims 14-16, 29 and 32-34 depend from one of independent claims 1 or 20. These dependent claims are thereby patentable over Malik, Swartz and Reding for the same reasons presented in connection with claims 1 and 20, supra. Withdrawal of the rejection under 35 U.S.C. 103(a) of these dependent claims is warranted for the same reasons.

Conclusion

In view of the above, it is believed that the application is in condition for allowance and notice to this effect is respectfully requested. Should the Examiner have any questions, the Examiner is invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,



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